

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

ANSELMO R. HEYLIGER, JR.,)	
)	
Plaintiff,)	
)	
vs.)	09-cv-81
)	
HOVENSA, L.L.C.,)	
)	
Defendant.)	
CARL RICHARDS,)	
)	
Plaintiff,)	
)	
vs.)	10-cv-1
)	
HOVENSA, L.L.C.,)	
)	
Defendant.)	
BOBBY FERRIS,)	
)	
Plaintiff,)	
)	
vs.)	10-cv-2
)	
HOVENSA, L.L.C.,)	
)	
Defendant.)	

AMBROSE, Senior District Judge

MEMORANDUM ORDER OF COURT

Defendant filed *Daubert* motions to exclude Plaintiff's expert Alan J. Bronstein in Mr. Heyliger's case (ECF No. 59) and in Mr. Richards' case. (ECF No. 40). On December 15, 2011, this Court held a *Daubert* hearing. At the hearing, I ruled on all of Defendant's arguments with the exception of lost fringe benefits. To that end, I permitted counsel to file supplemental briefing. The issue is now ripe for review.

Upon consideration of the above, I find that while the Bureau of Labor Statistics may not be the best method to calculate lost fringe benefits, it is not arbitrary. See, *Weirich v. Horst*

Realty Co., LLC, No. 07-cv-871, 2009 WL 920960 (E.D. Pa. March 30, 2011). As a result, I find the objection goes to weight rather than admissibility. Defendant can deal with any issues on cross examination.

THEREFORE, this 19th day of December, 2011, it is ordered that Defendant's Motions *in Limine* to Exclude Testimony of Alan J. Bronstein (in Mr. Heyliger's case No. 59 and in Mr. Richards' case No. 40) are denied.

BY THE COURT:

s/ Donetta W. Ambrose
Donetta W. Ambrose
United States Senior District Judge